

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO.: 1:10-CR-88-TLS
)	
RODRIGO CERRATO)	

AMENDED ORDER ACCEPTING FINDINGS AND RECOMMENDATION

On February 14, 2011, the Court issued the Order Accepting Findings and Recommendation [ECF No. 33], adopting the Findings and Recommendation [ECF No. 31] in its entirety and accepting the recommended disposition. In the Order, the Court erroneously referred to the charging instrument as the Indictment, instead of the Superseding Indictment [ECF No. 21] that was filed on December 15, 2010. The Court now amends its Order Accepting Findings and Recommendation to reference the Superseding Indictment. Thus, subject to this Court's consideration of the Plea Agreement pursuant to Fed. R. Crim. P. 11(c)(3), the plea of guilty to the offense charged in Count 1 of the Superseding Indictment is hereby accepted, and the Defendant is adjudged guilty of such offense.

The sentencing hearing set for May 2, 2011, at 1:00 PM, and the telephone status conference set for April 26, 2011, at 9:30 AM before Judge Theresa L. Springmann are REAFFIRMED. Any request for a sentence involving a departure under the United States Sentencing Guidelines, or for a variance above or below a Guidelines sentence pursuant to 18 U.S.C. § 3553(a), with the exception of matters raised pursuant to §5K1.1 of the Guidelines, shall be communicated to the probation officer and opposing counsel, in writing, within fourteen (14) days following initial disclosure of the presentence report. Any sentencing memorandum addressing these or any other issues, including requests for a departure based on § 5K1.1, shall be filed with the Court no later than seven (7) days prior to the sentencing hearing.

SO ORDERED on April 4, 2011.

s/ Theresa L. Springmann
THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT